



General Assembly

February Session, 2022

Raised Bill No. 331

LCO No. 2496



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING THE PROVISION OF DEVELOPMENTAL SERVICES AND MENTAL AND BEHAVIORAL HEALTH SERVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective from passage*) The Commissioner of
2 Developmental Services shall develop a strategic plan to reduce the wait
3 time for services provided by the Department of Developmental
4 Services to persons with intellectual disability. Not later than January 1,
5 2023, the Commissioner of Developmental Services shall submit such
6 plan and any recommendations for legislation necessary to implement
7 such plan, in accordance with the provisions of section 11-4a of the
8 general statutes, to the joint standing committee of the General
9 Assembly having cognizance of matters relating to public health.
- 10 Sec. 2. (NEW) (*Effective October 1, 2022*) Notwithstanding any
11 provision of the general statutes, on and after October 1, 2022, the
12 Secretary of the Office of Policy and Management shall consult with all
13 relevant stakeholders before implementing any plan to close a facility
14 operated by the Department of Developmental Services.
- 15 Sec. 3. (NEW) (*Effective October 1, 2022*) Notwithstanding any

16 provision of the general statutes, the Commissioner of Developmental
 17 Services shall provide notice to each person with intellectual disability
 18 or such person's legal representative, before such person's eligibility to
 19 receive state-assisted care ends. As used in this section, "legal
 20 representative" has the same meaning as provided in section 17b-450 of
 21 the general statutes.

22 Sec. 4. (*Effective from passage*) (a) There is established a task force to
 23 study the Department of Developmental Services' level of need
 24 assessment system. Such study shall include, but need not be limited to,
 25 (1) an examination of the instrument, policies, procedures, training and
 26 education materials related to the department's level of need assessment
 27 system and the diverse behavioral and medical issues assessed by such
 28 system, and (2) the development of recommendations for improvement
 29 and greater consistency in the administration and results of such
 30 system.

31 (b) The task force shall consist of the following members:

32 (1) Two appointed by the speaker of the House of Representatives;

33 (2) Two appointed by the president pro tempore of the Senate;

34 (3) One appointed by the majority leader of the House of
 35 Representatives;

36 (4) One appointed by the majority leader of the Senate;

37 (5) One appointed by the minority leader of the House of
 38 Representatives;

39 (6) One appointed by the minority leader of the Senate; and

40 (7) The Commissioner of Developmental Services, or the
 41 commissioner's designee.

42 (c) Any member of the task force appointed under subdivision (1),
 43 (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member

44 of the General Assembly.

45 (d) All initial appointments to the task force shall be made not later
46 than thirty days after the effective date of this section. Any vacancy shall
47 be filled by the appointing authority.

48 (e) The speaker of the House of Representatives and the president pro
49 tempore of the Senate shall select the chairpersons of the task force from
50 among the members of the task force. Such chairpersons shall schedule
51 the first meeting of the task force, which shall be held not later than sixty
52 days after the effective date of this section.

53 (f) The administrative staff of the joint standing committee of the
54 General Assembly having cognizance of matters relating to public
55 health shall serve as administrative staff of the task force.

56 (g) Not later than January 1, 2023, the task force shall submit a report
57 on its findings and recommendations to the joint standing committee of
58 the General Assembly having cognizance of matters relating to public
59 health, in accordance with the provisions of section 11-4a of the general
60 statutes. The task force shall terminate on the date that it submits such
61 report or January 1, 2023, whichever is later.

62 Sec. 5. (NEW) (*Effective October 1, 2022*) The Commissioner of Social
63 Services may contract with one or more hospital and one or more
64 nonprofit organization to provide social services and referrals for social
65 services to frequent users of hospital services, including, but not limited
66 to, emergency department services. Subject to approval by applicable
67 federal authority, the Department of Social Services shall utilize the
68 provider network and billing system of the contracted hospitals and
69 nonprofit organizations in the provision of such services and referrals.
70 In order to implement the provisions of this section, the commissioner
71 may establish rates of payment to providers of social services under this
72 section if the establishment of such rates is required to ensure that any
73 contract entered into with a hospital or nonprofit organization pursuant
74 to this section is cost neutral to such providers in the aggregate and
75 ensures patient access. Utilization may be a factor in determining cost

76 neutrality. As used in this section, "hospital" means an establishment
77 licensed pursuant to chapter 368v of the general statutes for lodging,
78 care and treatment of persons suffering from disease or other abnormal
79 physical or mental conditions.

80 Sec. 6. (NEW) (*Effective from passage*) On and after October 1, 2022,
81 each physician licensed pursuant to chapter 370 of the general statutes,
82 physician assistant licensed pursuant to chapter 370 of the general
83 statutes and advanced practice registered nurse licensed pursuant to
84 chapter 378 of the general statutes shall conduct a mental health
85 examination of a patient during the physician's, physician assistant's or
86 advanced practice registered nurse's annual physical examination of the
87 patient.

88 Sec. 7. Subsection (a) of section 38a-510 of the general statutes is
89 repealed and the following is substituted in lieu thereof (*Effective January*
90 *1, 2023*):

91 (a) No insurance company, hospital service corporation, medical
92 service corporation, health care center or other entity delivering, issuing
93 for delivery, renewing, amending or continuing an individual health
94 insurance policy or contract that provides coverage for prescription
95 drugs may:

96 (1) Require any person covered under such policy or contract to
97 obtain prescription drugs from a mail order pharmacy as a condition of
98 obtaining benefits for such drugs; or

99 (2) Require, if such insurance company, hospital service corporation,
100 medical service corporation, health care center or other entity uses step
101 therapy for such drugs, the use of step therapy for:

102 (A) [any] Any prescribed drug for longer than sixty days; [,] or

103 (B) [a] A prescribed drug for [cancer] treatment of a behavioral health
104 condition or for an insured who has been diagnosed with stage IV
105 metastatic cancer, provided such prescribed drug is in compliance with

106 approved federal Food and Drug Administration indications.

107 (3) At the expiration of the time period specified in subparagraph (A)
 108 of subdivision (2) of this subsection or for a prescribed drug described
 109 in subparagraph (B) of subdivision (2) of this subsection, an insured's
 110 treating health care provider may deem such step therapy drug regimen
 111 clinically ineffective for the insured, at which time the insurance
 112 company, hospital service corporation, medical service corporation,
 113 health care center or other entity shall authorize dispensation of and
 114 coverage for the drug prescribed by the insured's treating health care
 115 provider, provided such drug is a covered drug under such policy or
 116 contract. If such provider does not deem such step therapy drug
 117 regimen clinically ineffective or has not requested an override pursuant
 118 to subdivision (1) of subsection (b) of this section, such drug regimen
 119 may be continued. For purposes of this section, "step therapy" means a
 120 protocol or program that establishes the specific sequence in which
 121 prescription drugs for a specified medical condition are to be prescribed.

122 Sec. 8. Subsection (a) of section 38a-544 of the general statutes is
 123 repealed and the following is substituted in lieu thereof (*Effective January*
 124 *1, 2023*):

125 (a) No insurance company, hospital service corporation, medical
 126 service corporation, health care center or other entity delivering, issuing
 127 for delivery, renewing, amending or continuing a group health
 128 insurance policy or contract that provides coverage for prescription
 129 drugs may:

130 (1) Require any person covered under such policy or contract to
 131 obtain prescription drugs from a mail order pharmacy as a condition of
 132 obtaining benefits for such drugs; or

133 (2) Require, if such insurance company, hospital service corporation,
 134 medical service corporation, health care center or other entity uses step
 135 therapy for such drugs, the use of step therapy for:

136 (A) [any] Any prescribed drug for longer than sixty days; [,] or

137 (B) [a] A prescribed drug for [cancer] treatment of a behavioral health
 138 condition or for an insured who has been diagnosed with stage IV
 139 metastatic cancer, provided such prescribed drug is in compliance with
 140 approved federal Food and Drug Administration indications.

141 (3) At the expiration of the time period specified in subparagraph (A)
 142 of subdivision (2) of this subsection or for a prescribed drug described
 143 in subparagraph (B) of subdivision (2) of this subsection, an insured's
 144 treating health care provider may deem such step therapy drug regimen
 145 clinically ineffective for the insured, at which time the insurance
 146 company, hospital service corporation, medical service corporation,
 147 health care center or other entity shall authorize dispensation of and
 148 coverage for the drug prescribed by the insured's treating health care
 149 provider, provided such drug is a covered drug under such policy or
 150 contract. If such provider does not deem such step therapy drug
 151 regimen clinically ineffective or has not requested an override pursuant
 152 to subdivision (1) of subsection (b) of this section, such drug regimen
 153 may be continued. For purposes of this section, "step therapy" means a
 154 protocol or program that establishes the specific sequence in which
 155 prescription drugs for a specified medical condition are to be prescribed.

156 Sec. 9. Subdivision (8) of section 20-74s of the general statutes is
 157 repealed and the following is substituted in lieu thereof (*Effective from*
 158 *passage*):

159 (8) "Substance use disorder" means a disease in which the recurrent
 160 use of alcohol or drugs that leads to clinically and functionally
 161 significant impairment, including, but not limited to, health problems,
 162 disability and failure to meet major responsibilities at work, school or
 163 home; and

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2022</i>	New section
Sec. 3	<i>October 1, 2022</i>	New section

Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>October 1, 2022</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>January 1, 2023</i>	38a-510(a)
Sec. 8	<i>January 1, 2023</i>	38a-544(a)
Sec. 9	<i>from passage</i>	20-74s(8)

Statement of Purpose:

To make various revisions to the statutes concerning the provision of developmental services and mental and behavioral health services.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]